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JUL 29 2016

DEPT. OF WATER RESOURCES

IN THE DISTRICT COURT OF THE FIFTH JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF TWIN FALLS

In Re CSRBA)

Case No. 49576)

A. Subcase 94-04076
(Insert water right number)

**STANDARD FORM 1
OBJECTION**

Please **print or type** the following information:

B. NAME AND ADDRESS OF PERSON OBJECTING

Name: United States of America acting through the Department of Interior,
Bureau of Land Management, Idaho State Office

Address: 1387 South Vinnell Way
Boise, Idaho 83709-1657

Daytime Phone: see below

Name & Address of Attorney, if any:

David L. Negri (208) 334-1936 phone, (208) 334-9375 fax
United States Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, Idaho 83724

C. CLAIMANT OF WATER RIGHT AS LISTED IN DIRECTOR'S REPORT

Name: Blue Wing Mining Co
Address: P.O. Box 928; Osburn, ID 83849

Name:
Address: ;

Name:
Address: ;

Name:
Address: ;

D. I object to the following elements or general provision as recommended in the Director's Report. (Please check the appropriate box(es)).

1. ☐ **Name and Address**
Should be:
2. ☐ **Source**
Should be:
3. ☐ **Quantity**
Should be:
4. ☒ **Priority Date**
Should be: See attached.
5. ☐ **Point(s) of Diversion**
Should be:
6. ☐ **Instream Flow Beginning and Ending Point**
Should be:
7. ☐ **Purpose(s) of Use**
Should be:
8. ☐ **Period of Year**
Should be:
9. ☒ **Place of Use**
Should be: See attached.
10. ☐ **General Provision** ☐ Individual Water Right ☐ All Water Rights
☐ Should not be recommended.

☐ This general provision was not recommended but should be recommended as described below.
Should be: _____

☐ General provision was recommended but should be modified as described below.
Should be: _____
11. ☐ **I object** because the recommendation contains an accomplished transfer under Idaho Code § 42-1425 resulting in injury to my water right(s) and/or enlargement of the original right.
12. **I object because:**

☐ This water right should not exist.

☐ This water right was not recommended, but should be recommended with the elements described above.

E. REASONS SUPPORTING OBJECTION(S):

The legal description for element nine (POU) above may include Federal land. The description should be specific enough to exclude Federal land. Priority date precedes patent for one of the parcels under this claim.

INSTRUCTIONS FOR MAILING

You must mail the Objection, to the Clerk of the court. **FAX filings will not be accepted.**
You must also send a copy to all the parties listed below in the Certificate of Mailing.

E. CERTIFICATE OF MAILING

I certify that on July 28, 2016, I mailed the original and copies of this objection, including all attachments, to the following persons:

1. Original to:

Clerk of the District Court
Coeur d'Alene-Spokane River Basin Adjudication
253 Third Avenue North
P.O. Box 2707
Twin Falls, ID 83303-2707

2. One copy to the claimant of the water right at the following address:

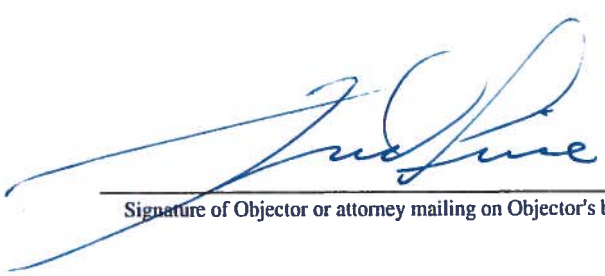
Name: Blue Wing Mining Co
Address: P.O. Box 928; Osburn, ID 83849
Name:
Address: ;
Name:
Address: ;
Name:
Address: ;

3. Copies to:

IDWR Document Depository
P.O. Box 83720
Boise, ID 83720-0098

Chief, Natural Resources Division
Office of the Attorney General
State of Idaho
P.O. Box 83720
Boise, ID 83720-0010

United States Department of Justice
Environment and Natural Resources Division
Natural Resources Section
550 West Fort Street, MSC 033
Boise, ID 83724



Signature of Objector or attorney mailing on Objector's behalf

02/16/2016

IDAHO DEPARTMENT OF WATER RESOURCES
RECOMMENDED WATER RIGHTS ACQUIRED UNDER STATE LAW

RIGHT NUMBER: 94-4076
NAME AND ADDRESS: BLUE WING MINING CO
PO BOX 928
OSBURN ID 83849

Priority:
★ -Priority precedes patent.
Mixed Ownership issue: POU:
-Clarify the POU such that it is clear that only private land is intended.

SOURCE: GROUND WATER

TRIBUTARY:

QUANTITY: 0.150 CFS
3.60 AFY

PRIORITY DATE: 12/31/1960 -Patent 345098 issued on 06-30-1913 → MS-2655 01-28-1908

★ -Patent 11850064 issued on 07-23-1985

-Patent 45513 issued on 02-10-1908 → MS-2114 09-15-1903

-Patent 47005 issued on 05-11-1908 → MS-2184 09-05-1906

POINT OF DIVERSION: T48N R04E S14 NESE Lot 13 Within SHOSHONE County

PURPOSE AND PERIOD OF USE:

PURPOSE OF USE

PERIOD OF USE

QUANTITY

DOMESTIC

01/01 12/31

0.150 CFS
3.60 AFY

Domestic use is for 6 homes.

PLACE OF USE: DOMESTIC in SHOSHONE County

T48N R04E S13	SWNW Mix: pvt/BLM	T48N R04E S14	SENE
T48N R04E S14	NESE Mix: pvt/BLM	T48N R04E S14 Lot 13 NESE	

OTHER PROVISIONS NECESSARY FOR DEFINITION OR ADMINISTRATION OF THIS WATER RIGHT:

This partial decree is subject to such general provisions necessary for the definition of the rights or for the efficient administration of the water rights as may be ultimately determined by the Court at a point in time no later than the entry of a final unified decree. Section 42-1412(6), Idaho Code.

EXPLANATORY MATERIAL: BASIS OF CLAIM - Beneficial Use

Right Nos. 94-9403, 94-9461 and 94-9462 are also diverted through point of diversion described above.

Parcel No. RP48N04E147050 for Point of Diversion . RP48N04E147225, RP48N04E147050, RP48N04E147000, RP48N04E133910, RP48N04E133900, and RP48N04E134000 for Place of Use.

SHOSHONE COUNTY 079
COEUR D'ALENE DISTRICT

STATUS OF PUBLIC DOMAIN
LAND AND MINERAL TITLES[illegible][illegible]

See Supplemental Remarks Plat No 1

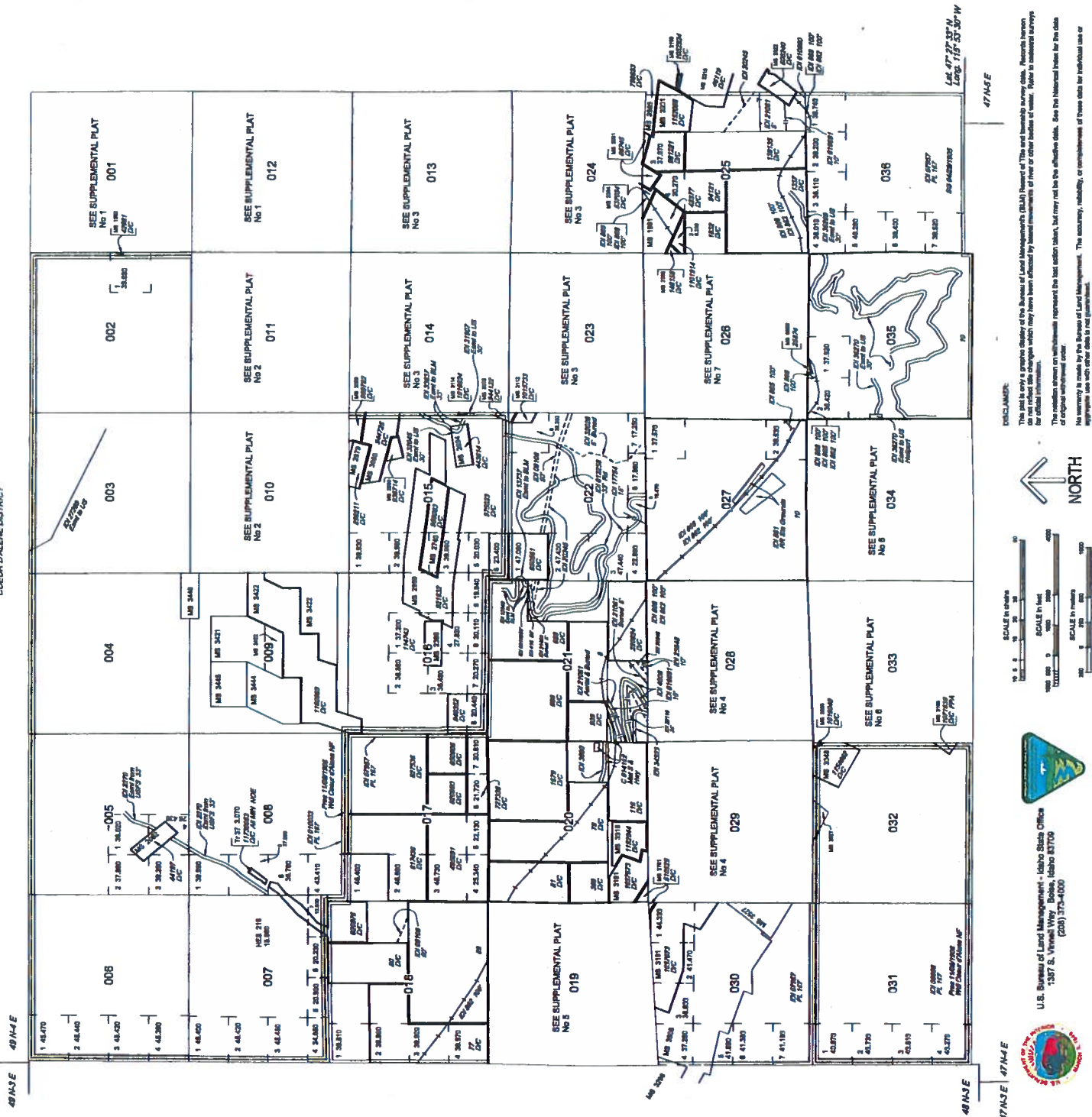
[illegible]T. 48 N
R. 4 E

FIGURE 1

The plot is only a graphic display of the Bureau of Land Management's (BLM) Percent of Title and Leasehold Survey Data. Records from the National Forest Inventory (NFI) have been selected by random measurements of Forest or other tracts of land. Values to maintain survey accuracy are based on the NFI.

The random values on the x-axis represent the total survey data, but may not be the accurate data. Also the National Forest Inventory data are based on the NFI.

The random values on the y-axis represent the total survey data, but may not be the accurate data. Also the National Forest Inventory data are based on the NFI.

The accuracy, reliability, or completeness of these data for individual use or for management is not guaranteed.



U.S. Bureau of Land Management - Idaho State Office
1357 S. Vinland Way Boise, Idaho 83709
(208) 373-4000

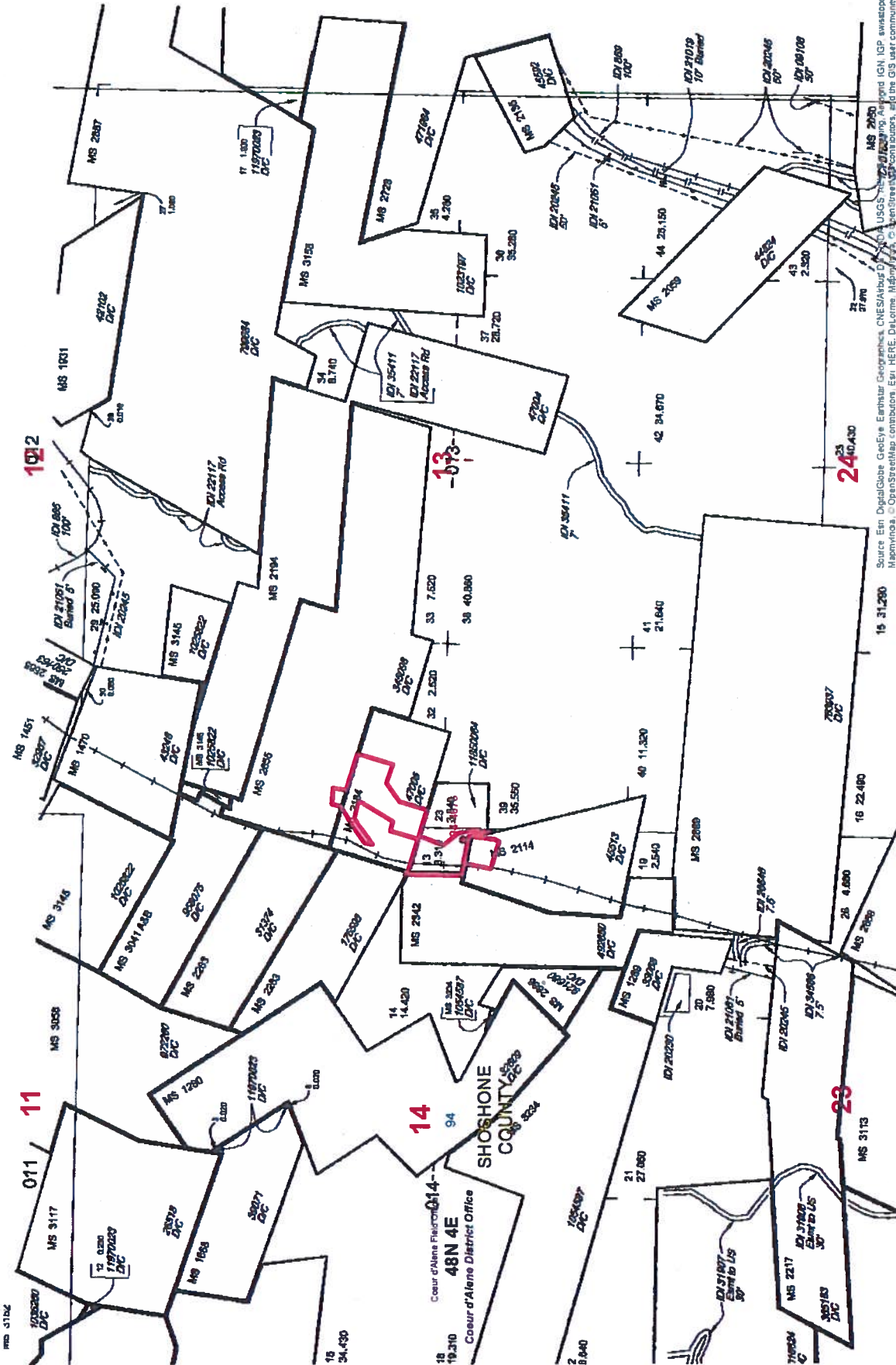


STAT
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MT PL
SUPPL[illegible]

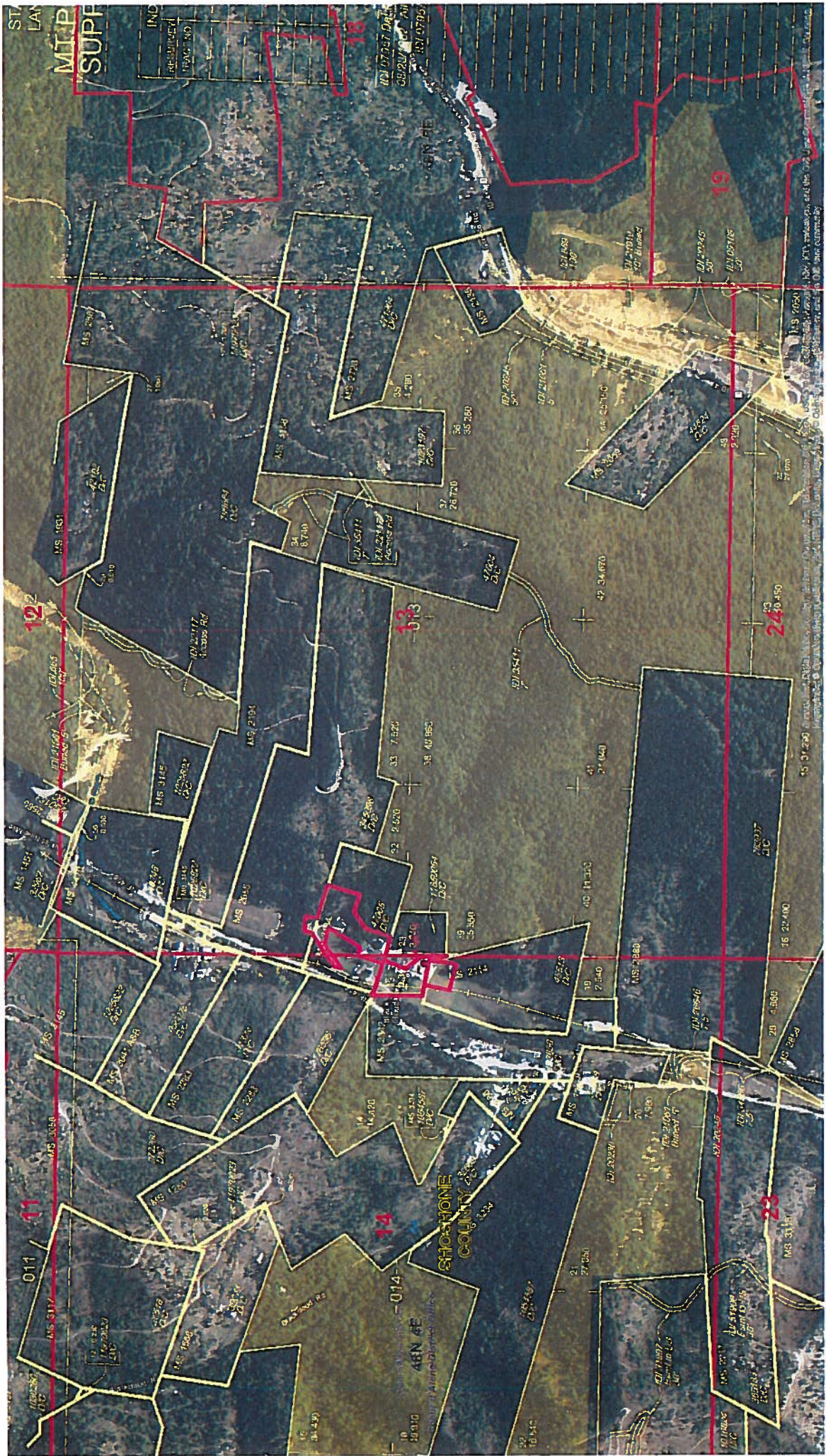
81

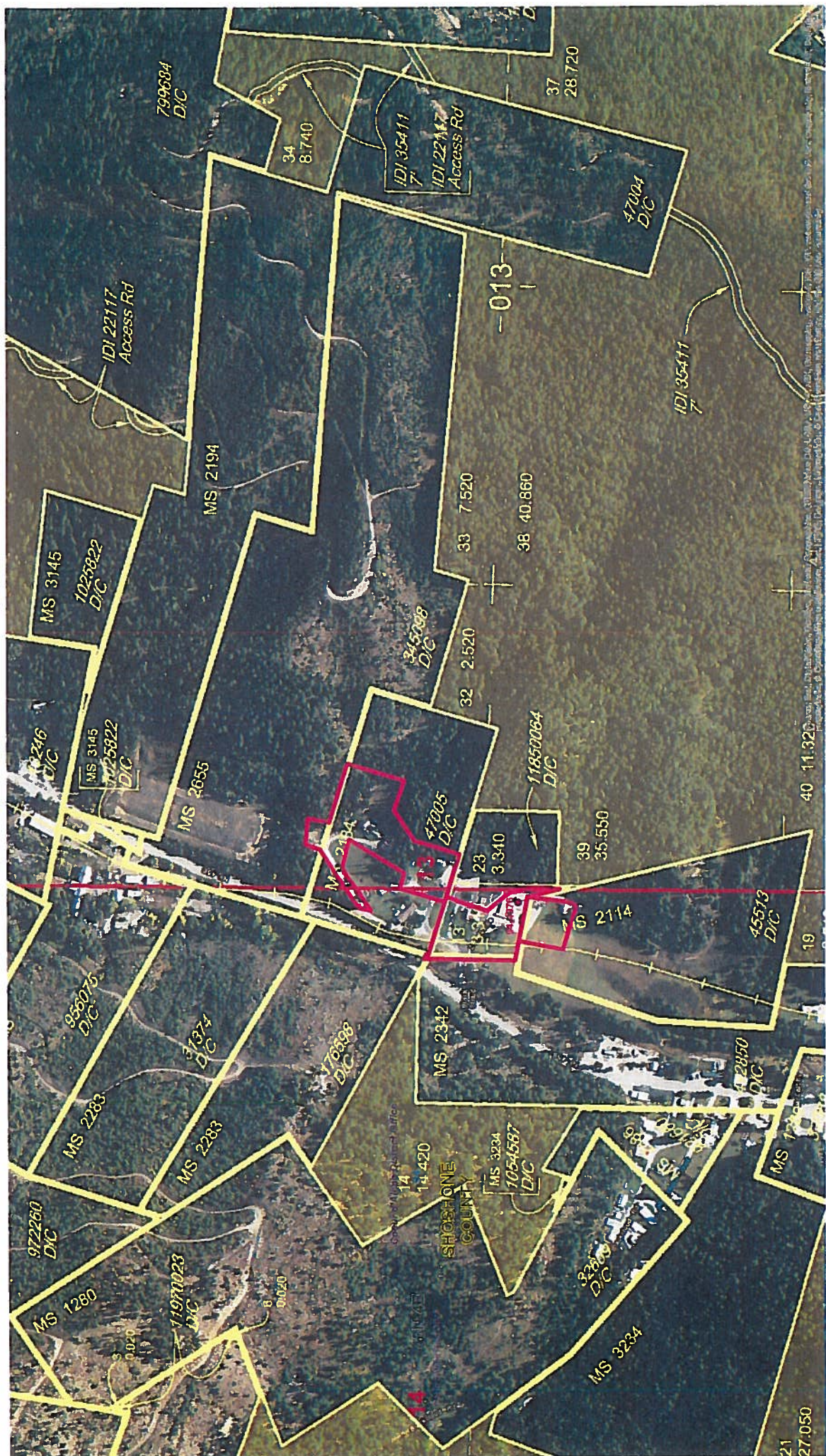
1DI 07857 Det PL
08/28/1982 AW PL
1DI 07857-X

48N 5E



Source: Esri, DigitalGlobe, GeoEye, Earthstar Geographics, CNES/Airbus/DigitalGlobe, USGS/Airbus/DigitalGlobe, IGN, IGP, Swisstopo, and the GIS User Community. HERE, DeLorme, Mapbox, OpenStreetMap contributors, and the GIS user community.





Land Patent Details						
Accession Nr: IDIDAA 045868 Document Type: Serial Patent State: Idaho Issue Date: 2/10/1908 Cancelled: No						
Names On Document			Miscellaneous Information			
P ZANETTI, PIETRO			Land Office:	Idaho		
			US Reservations:	Yes		
			Mineral Reservations:	No		
			Tribe:	---		
			Militia:	---		
Military Rank:			State In Favor Of:			---
			Authority:	July 26, 1866: Mineral Patent-Placer (15 Stat. 251)		
Document Numbers			Survey Information			
Document Nr:			Total Acres:			
45513			17.72			
Misc. Doc. Nr:			Survey Date:			
---			---			
BLM Serial Nr:			Geographic Name:			
IDIDAA 045868			Ira			
Indian Allot. Nr:			Metes/Bounds:			
---			No			
Land Descriptions						
State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
ID	Boise	048N - 004E		13		Shoshone
ID	Boise	048N - 004E		14		Shoshone

Land Patent Details						
Accession Nr: IDIDAA 045872		Document Type: Serial Patent		State: Idaho	Issue Date: 5/11/1908	Cancelled: No
Names On Document			Miscellaneous Information			
☒ PANHANDLE MINING AND MILLING			Land Office:	Idaho		
			US Reservations:	Yes		
			Mineral Reservations:	No		
			Tribe:	---		
			Militia:	---		
Military Rank: ---			State In Favor Of:	---		
			Authority:	July 26, 1866: Mineral Patent-Lode (14 Stat. 251)		
Document Numbers			Survey Information			
Document Nr:	47005		Total Acres:	14.60		
Misc. Doc. Nr:	---		Survey Date:	---		
BLM Serial Nr:	IDIDAA 045872		Geographic Name:	Ninety Nine		
Indian Allot. Nr:	---		Metes/Bounds:	No		
Land Descriptions						
State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
ID	Boise	048N - 004E		13		Shoshone
ID	Boise	048N - 004E		14		Shoshone

PATENTED

Claim Located (amended) September 5 1905

Mineral Survey No. 2184-

Land District

PLAT

OF THE CLAIM OF

The Fontenelle Mining and Milling Company

KNOWN AS THE

NINETY NINE LODGE

IN PLACER COUNTY
SNOHOMISH COUNTY
MINING DISTRICT.
14410

Containing an area of 14,600
Scale of 200 Feet to the inch.

1906
 September-19
 1906
 Robert S. Allen

U.S. Senator Max Baucus, Democrat, Montana

*The Original Noddy Notes of the Survey of the Mining Claim of
The Plankmacle Mining and Milling Company (Ltd.)
known as the*

Ninety Nine Cade

From which this plot has been made under my direction,
I have been certified and approved, and am, fit in this story
and hereby testify that they furnish such accurate history
of said Mining claim as will if unperverted interest
be so fully to identify the promises, and that such reference
as will be shown in natural objects or permanent monuments
as well deposits and facts do thus testify

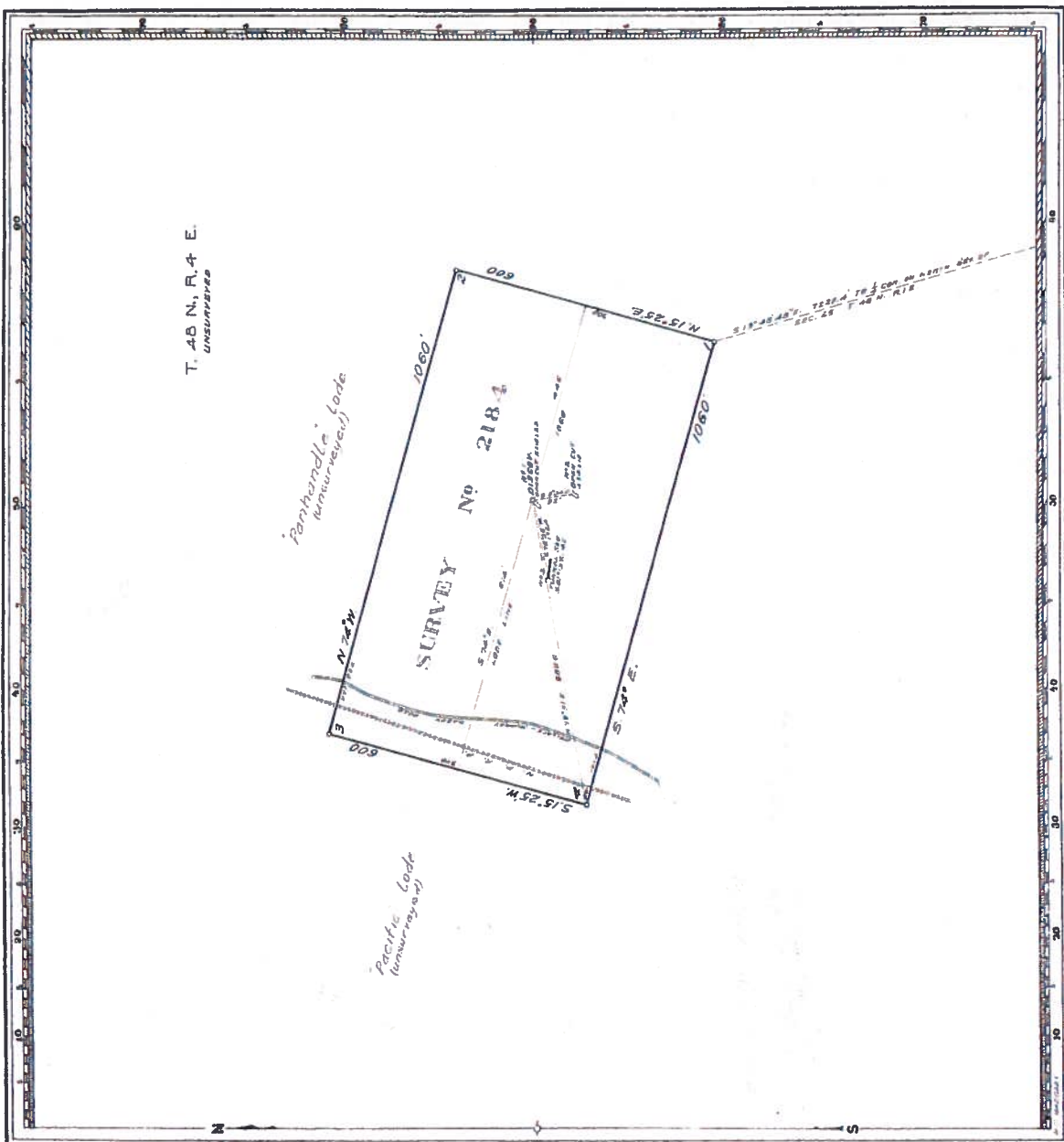
I further certify that the Un-Numbered laborer's work of labor has
been expended or improvements made upon said Mining-
claim by document or 100 signatures and that
said improvements consist of 2 acres, 500 ft and 2
60,000 sq.

Page 545

that the location of said plat is correct and in conformity with said original field notes of the survey made, and this same is hereby approved.

4725 Sampson General's Office of the
 Base City, Wash
 4725 Sampson General for
 October 9, 1906

October 9, 1906



Land Patent Details						
Accession Nr: 345098		Document Type: Serial Patent		State: Idaho	Issue Date: 6/30/1913	Cancelled: No
Names On Document			Miscellaneous Information			
 RUMELY, WILLIAM N			Land Office:	Coeur D Alene		
			US Reservations:	Yes		
			Mineral Reservations:	No		
			Tribe:	---		
			Militia:	---		
Military Rank: ---			State In Favor Of:	---		
			Authority:	July 26, 1866: Mineral Patent-Lode (14 Stat. 251)		
Document Numbers			Survey Information			
Document Nr:	08496		Total Acres:	51.49		
Misc. Doc. Nr:	---		Survey Date:	---		
BLM Serial Nr:	IDCDA 0008496		Geographic Name:	Panhandle Lode		
Indian Allot. Nr:	---		Metes/Bounds:	Yes		
Land Descriptions						
State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
ID	Boise	048N - 004E		13	2655	Shoshone
ID	Boise	048N - 004E		14	2655	Shoshone

Serial 28446, Oct. 9 1909, June 30, 1913

Land Patent Details						
Accession Nr: 11-85-0064		Document Type: Serial Patent		State: Idaho	Issue Date: 7/23/1985	Cancelled: No
Names On Document			Miscellaneous Information			
P BLUE WING MINING CO LTD			Land Office:	Boise City		
			US Reservations:	Yes		
			Mineral Reservations:	No		
			Tribe:	---		
			Militia:	---		
Military Rank: ---			State In Favor Of:	---		
			Authority:	October 21, 1976: Sale-Sec 203 and 209 Flpma (90 Stat. 2743)		
Document Numbers			Survey Information			
Document Nr:		0		Total Acres:	6.55	
Misc. Doc. Nr:		---		Survey Date:	---	
BLM Serial Nr:		IDI 020246		Geographic Name:	---	
Indian Allot. Nr:		---		Metes/Bounds:	No	
Land Descriptions						
State	Meridian	Twp - Rng	Aliquots	Section	Survey #	County
ID	Boise	048N - 004E	Lot/Trct 23	13		Shoshone
ID	Boise	048N - 004E	Lot/Trct 13	14		Shoshone

The United States of America

To all to whom these presents shall come, Greeting:

I-20246

WHEREAS

Blue Wing Mining Co., Ltd.

is entitled to a Land Patent pursuant to the Act of October 21, 1976 (Section 203 and 209, 90 Stat. 2750, 2757; 43 U.S.C. 1713, 1719), for the following-described lands:

Boise Meridian, Idaho

T. 48 N., R. 4 E.,
sec. 13, lot 23;
sec. 14, lot 13.

Containing 6.55 acres.

NOW KNOW YE, that there is, therefore, granted by the UNITED STATES, unto the above-named claimant the land above described; TO HAVE AND TO HOLD the said land with all the rights, privileges, immunities and appurtenances, of whatsoever nature, thereunto belonging, unto the said claimant, its successors or assigns, forever;

EXCEPTING AND RESERVING TO THE UNITED STATES a right-of-way thereon for ditches or canals constructed by the authority of the United States. Act of August 30, 1890, 26 Stat. 391; 43 U.S.C. 945.

SUBJECT TO:

1. Those rights for a sewerline and tanks granted to South Fork Coeur d'Alene Sewer District, its successors or assigns, by right-of-way I-20230 pursuant to the Act of October 21, 1976 (90 Stat. 2743, 43 U.S.C. 1761-1771).
2. Those rights for a railroad granted to Washington and Idaho Railroad Company, its successors or assigns, by right-of-way I-865 pursuant to the Act of March 3, 1875 (43 U.S.C. 934-939).

IN TESTIMONY WHEREOF, the undersigned authorized officer of the Bureau of Land Management, in accordance with the provisions of the Act of June 17, 1948 (62 Stat. 476), has, in the name of the United States, caused these letters to be made Patent, and the Seal of the Bureau to be hereunto affixed.

[SEAL]

GIVEN under my hand, in Boise, Idaho
the TWENTY-THIRD day of JULY in the year
of our Lord one thousand nine hundred and EIGHTY-FIVE
and of the Independence of the United States the two hundred
and TENTH

Patent Number

11-85-0064

By (Sgd) Orin B. Collier
Acting Deputy State Director for Operations



State of Idaho

DEPARTMENT OF WATER RESOURCES

Northern Region, 7600 Mineral Drive, Suite 100, Coeur d'Alene, Idaho 83815

Phone: (208) 762-2800 FAX: (208) 762-2819 www.idwr.idaho.gov

C.L. "BUTCH" OTTER
Governor

GARY SPACKMAN
Director

March 12, 2015

Michael K. Branstetter
Hull & Branstetter CHTD
PO Box 709
416 River ST
Wallace, ID 83873-0709

Re: Evidence for Coeur d'Alene-Spokane River Basin Adjudication (CSRBA) Claim 94-4076

Dear Mr. Branstetter:

Thanks for your March 4, 2015 letter about CSRBA Claim 94-4076. The information is sufficient for Idaho Department of Water Resources (IDWR) to finish a recommendation to the Court. The quantity recommended will be less, and the Priority Date will be later, than on the original Statutory Claim unless additional evidence is provided to IDWR of beneficial use (Domestic) by Oct. 8, 1956 on three tax parcels.

Please review the Shoshone County tax parcel printouts provided by IDWR on the following tax parcels:

<u>Parcel</u>	<u>Owner</u>	<u>Year Built</u>
RP48N04E135300	Zanetti, H. Jr. & Kathy	1960
RP48N04E135310	Zanetti, H., Jr. & Kathy	1997
RP48N04E142275	Howard, Michael & Janet	1974

Evidence that the beneficial use (Domestic) was underway by Oct. 8, 1956 on the above parcels is required before IDWR can include these parcels in our recommendation for 94-4076 with an Oct. 8, 1956 Priority Date.

Enclosed is a draft Amended Claim 94-4076 to correct the point of Diversion (POD) and Place of Use legal descriptions that we have previously discussed. The Amended Claim also corrects the end point for annual period of use to read Dec. 31. Please return the signed Amended Claim 94-4076 and additional parcel evidence to me. No additional fee is required. Please telephone me at (208) 762.2816 if you have questions.

Respectfully,

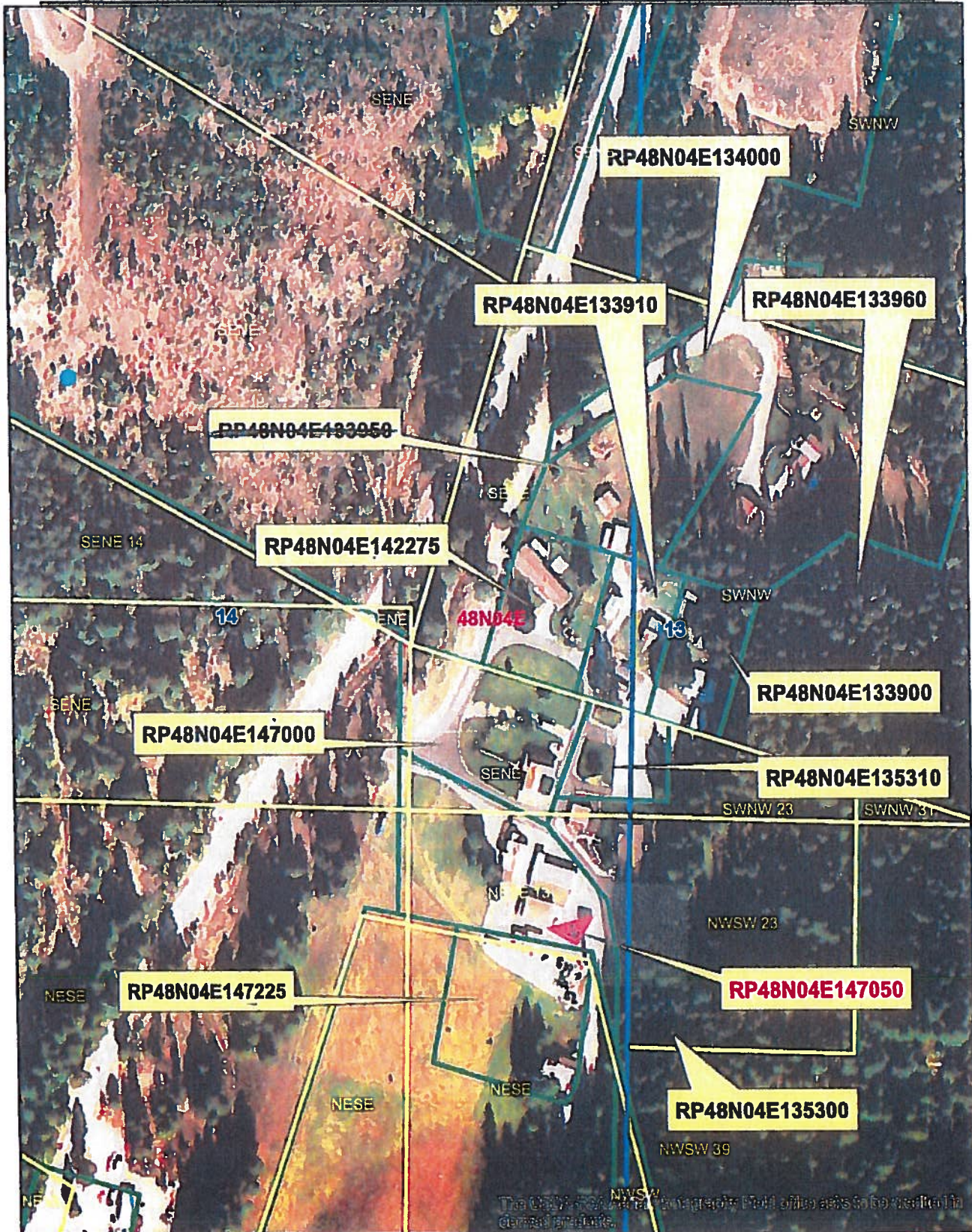
Shaun M. Maxey
Senior Water Resource Agent
Idaho Department of Water Resources, Northern Region

SCANNED

MAR 11 2015

mining

94-4076 BLUE WING MINING CO. (2013 IMAGE) SHOSHONE PARCELS



SCANNED

MAR 10 2015